



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,871	01/26/2001	Amal Prabhu	080398.P381	7216

7590 07/15/2005

Tom Van Zandt  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/770,871

Applicant(s)

PRABHU ET AL

Examiner

Michael R. Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20050307.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to cancelled claims 1-35 are moot due to the fact that they have been cancelled. The arguments with regards to claim 36-39 have been considered but are moot in view of the new ground(s) of rejection.

The applicant states, "775A does not specify the communication protocol used by the modules within the audio/video source". As understood by the examiner, this statement is true, and therefore, the new grounds of rejection with regards to Barry et al (USP 6,591,419) is brought into consideration for the rejection of claims 36-39.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al (USP 6,591,419), cited by examiner.

Regarding claim 36, the claimed "apparatus" is met as follows:

- The claimed "home network protocol stack coupled to a network device driver, wherein the protocol stack inserts program association information into a single program transport stream transmitted through an isochronous network connection to a digital display, and sends isochronous network notifications in the home network protocol" is met by the protocol stack [col. 9, line 64], which is coupled to the Common Interface and Command Interface [col. 8, lines 49-51]. The protocol stack inserts PSI (Program Specific Information) into the MPEG transport stream for identifying the MPEG transport stream [col. 3, lines 23-25] and transmits the PSI with the MPEG transport stream over the isochronous network (IEEE 1394 network) [col. 3, lines 20-22] to a digital display 30 or recording device 32 [Fig. 2(b) & col. 9, lines 20-25].
- The claimed "device control module coupled to the network device driver, wherein the device control module receives from the digital display, through an asynchronous network connection, incoming control information in a command protocol, translates the incoming control information into the home network protocol, and sends asynchronous network connection notifications in the home network protocol to the protocol stack" is met by the Applications that can receive commands from devices across the network [col. 9, lines 1-7] in AV/C format [col. 6, lines 39-53] via the asynchronous network connection [col. 1, lines 57-59]. The AV/C codes are then packetized and converted into standardized codes

and data formats and sent to the protocol stack for transmission over the isochronous network for operation of the devices connected to the network [col. 9, lines 50-65].

- The claimed “manager subsystem coupled to the protocol stack and to the device control module, wherein the manager subsystem controls the insertion of the program association information, receives the isochronous network connection notifications from the protocol stack, receives the incoming control information in the home network protocol from the device control module, sends the incoming control information, the isochronous network connection notifications, and the asynchronous network connection notifications to an application, and receives outgoing control information from the application” is met by the command interface that provides the high level protocol allowing the host receiver and the module to communicate in the network [col. 9, lines 1-5].
- The claimed “display control module coupled to the manager subsystem and to the network device driver, wherein the display control module sends the outgoing control information through the asynchronous network connection to the digital display” is met by the sending of data over the asynchronous connection to the different devices in the network for control thereof [col. 9, lines 61-65].
- The claimed “copy protection module coupled to the protocol stack and to the network device driver, wherein the copy protection module

Art Unit: 2614

authenticates the digital display before the single program transport stream is transmitted to the digital display” is met by the Conditional Access Module 38, which can receive a transport stream, authenticate it and send it out to the receiver or video recorder [col. 16, lines 24-51].

Regarding claim 37, the claimed “apparatus of claim 36, wherein the manager subsystem further filters a multiple program transport stream to the single program transport stream based on a user selection received from the application” is met by the selection of a particular MPEG stream at the demultiplexer 20 which relate to a selected virtual channel out of the plurality of virtual channels. The applications can be used to receive user selection of the desired program [col. 8, line 52 – col. 9, line 8].

Regarding claim 38, the claimed “method” is rejected similarly to the rejection set forth above with regards to the apparatus of claim 36.

Regarding claim 39, the claimed “method of claim 38” is rejected similarly to the rejection set forth above with regards to the apparatus of claim 37.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2614

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered

Art Unit: 2614

by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

**Or faxed to: (571) 273-8300**


**Hand-delivered responses should be brought to:**

Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon  
Examiner  
Art Unit 2614

Michael R Shannon  
July 10, 2005

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**